



Federal Communications Commission
Washington, D.C. 20554

March 16, 2007

DA 07-1329

In Reply Refer to:

1800B3-RDH

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Jennifer Cox-Hensley, President
Indiana Community Radio Corporation
15 N. Wood Street
Greenfield, Indiana 46140

In re: White River Broadcasting Corporation
Station WKKG(FM), Columbus, IN
Facility ID 72259
File No. BRH-20040331AFR

Station WCSI(AM), Columbus, IN
Facility ID 72261
File No. BR-20040331AFI

Station WINN(FM), Columbus, IN
Facility ID 41891
File No. BRH-20040331AGA

Station WWY(FM), North Vernon, IN
Facility ID 61195
File No. BRH-20040331AGJ

Station WRBI(FM), Batesville, IN
Facility ID 2873
File No. BRH-20040331AGU

Petition for Reconsideration

Dear Ms. Cox-Hensley:

We have before us the "Petition to Deny Defective Applications of White River Broadcasting Corporation and Request to Rescind License Grants of White River and Designate for Hearing" (the "Petition") filed on August 31, 2004 by Indiana Community Radio Corporation ("ICRC"). In the Petition, ICRC asks the Commission to designate for hearing the above-noted license renewal applications for Stations WKKG(FM), WCSI(AM), and WINN(FM), Columbus, Indiana, WWY(FM), North Vernon, Indiana, and WRBI(FM), Batesville, Indiana, all of which are licensed to the White River Broadcasting Corporation, Inc. ("White River"). Also before us is an "Opposition to Petition to Deny" filed by White River on September 2, 2004.

Background. White River filed the renewal applications on March 31, 2004, for license terms ending August 1, 2004. Those applications were uncontested and were granted on July 26, 2004. Public

Notice of the application grants was released on July 29, 2004.¹ Over 30 days later, on August 31, 2004, ICRC filed its Petition. Petitioner alleges that the White River applications should have been denied because: 1) there are unresolved character issues concerning White River; 2) White River filed Petitions to Deny which contained misrepresentations against two ICRC translator applications; and 3) White River has violated the public file² and political broadcasting³ rules.⁴

Discussion. We will dismiss the Petition. As an initial matter, petitions to deny broadcast license renewal applications must be filed no later than the end of the first day of the last full calendar month of the expiring license term.⁵ The first day of the last full calendar month of the license term of the above-referenced stations was July 1, 2004. Because the instant Petition was not filed until August 31, 2004, it was untimely and will be dismissed as a petition to deny. Because the subject applications were granted prior to the filing of the Petition, we will consider the filing as a petition for reconsideration of the grants.⁶

A petition for reconsideration is required by statute to be filed within thirty days from the date upon which public notice is given of the decision complained of.⁷ Public notice of the grant of the subject White River applications was made on July 29, 2004, and petitions for reconsideration were due no later than Monday, August 30, 2004.⁸ The Commission lacks authority to waive or extend the statutory 30-day filing period for petitions for reconsideration unless the petitioner shows that its failure to file in a timely manner resulted from “extraordinary circumstances.”⁹ ICRC did not present an explanation for the late-filing of the Petition. Because the ICRC Petition was not filed within thirty days of the date of public notice announcing the grant of the captioned applications, we must dismiss the filing as an untimely petition for reconsideration of the grant of the White River license renewal applications.

¹ Public Notice, *Broadcast Actions*, Report No. 45787 (July 29, 2004).

² 47 C.F.R. § 73.3526.

³ 47 C.F.R. §§ 73.1940-1944.

⁴ Petitioner also alleges, “Licensee has failed to note the issues which were raised in it’s [sic] renewal applications.” We are unable to determine the meaning of this allegation.

⁵ See 47 C.F.R. §§ 73.3584(a) and 73.3516(e).

⁶ See 47 C.F.R. § 1.106.

⁷ 47 U.S.C. § 405. See also 47 C.F.R. § 1.106(f).

⁸ The 30th day after the date of Public Notice fell on Saturday, August 28, 2004, so the filing period was extended to Monday, August 30. 47 C.F.R. §§ 1.4(e)(1), (j).

⁹ See, e.g., *Gardner v. FCC* 530 F.2d 1086, 1091-92 (D.C. Cir. 1976).

Conclusion/Actions. For the reasons set forth above, Indiana Community Radio Corporation's "Petition to Deny Defective Applications of White River Broadcasting Corporation and Request to Rescind License Grants of White River and Designate for Hearing" IS DISMISSED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Christopher D. Imlay, Esq.
White River Broadcasting Corporation, Inc.